

1 Edward D. Johnson (SBN 189475)
2 wjohnson@mayerbrown.com
3 Jason A. Wrubleski (SBN 251766)
4 jwrubleski@mayerbrown.com
5 MAYER BROWN LLP
6 Two Palo Alto Square, Suite 300
7 3000 El Camino Real
8 Palo Alto, CA 94306-2112
9 Telephone: (650) 331-2000
10 Facsimile: (650) 331-2060

11 Christopher J. Kelly (*Pro Hac Vice*)
12 cjkelly@mayerbrown.com
13 MAYER BROWN LLP
14 1909 K Street, N.W.
15 Washington, D.C. 20006-1101
16 Telephone: (202) 263-3000
17 Facsimile: (202) 263-3300

18 Richard M. Assmus (*Pro Hac Vice*)
19 rassmus@mayerbrown.com
20 MAYER BROWN LLP
21 71 S. Wacker Drive
22 Chicago, IL 60606-4637
23 Telephone: (312) 782-0600
24 Facsimile: (312) 701-7711

25 *Attorneys for Defendant*
26 SECCION AMARILLA USA
27
28

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT

19 OAKLAND DIVISION

20 MOMENTO, INC.,

21 Plaintiff,

22 v.

23 SECCION AMARILLA USA, CORY SUAZO,
24 RAFAEL BERRIOS, and DOES 1-50,

25 Defendants.

26 Case No. 09-CV-1223 SBA

27 **STIPULATION AND [PROPOSED]
28 ORDER REGARDING DEFENDANT
SECCION AMARILLA'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

Judge: Hon. Saundra Brown Armstrong

1 WHEREAS, on April 3, 2009, Defendant Seccion Amarilla (SAUSA) will file its
 2 Opposition To Plaintiff's *Ex Parte* Application For Order For Impound Or, In The Alternative,
 3 Order To Preserve Evidence, Temporary Restraining Order, Order To Show Cause Re:
 4 Preliminary Injunction ("Opposition"), its Declaration Of Arturo Pellerano In Support Of
 5 Defendant Seccion Amarilla USA's Opposition To Plaintiff's *Ex Parte* Application For Order
 6 For Impound Or, In The Alternative, Order To Preserve Evidence, Temporary Restraining Order,
 7 Order To Show Cause Re: Preliminary Injunction ("Pellerano Declaration"), and of its
 8 Declaration of Teresita Nodarse In Support Of Defendant Seccion Amarilla USA's Opposition
 9 To Plaintiff's *Ex Parte* Application (Dkt. No. 2) And In Support Of Defendant Seccion
 10 Amarilla's Administrative Motion To File Under Seal ("Nodarse Declaration");

11 WHEREAS, portions of paragraphs 4, 6, and 7 of the Pellerano Declaration; Exhibits B
 12 and C to the Nodarse Declaration; and portions of the Opposition citing to those and only those
 13 paragraphs and exhibits contain competitively sensitive pricing and cost information; and

14 WHEREAS, on April 3, 2009, counsel for Momento, Inc. ("Momento") reviewed the
 15 proposed redacted forms of the Pellerano Declaration and the Nodarse Declaration;

16 THEREFORE, it is hereby stipulated and agreed by SAUSA and Momento, through
 17 their respective counsel of record, as follows:

18 1) The Opposition, Pellerano Declaration, and Nodarse Declaration are to be filed
 19 under seal, with redacted versions omitting only those portions relating to the above-recited
 20 competitively sensitive cost and pricing information to be filed electronically;

21 2) The unredacted versions of the Opposition, Pellerano Declaration, and Nodarse
 22 Declaration served on Ali Kamarei, undersigned counsel for Momento, shall not be disclosed to
 23 any person or entity except for outside counsel of record (which includes the partners, associates,
 24 contract attorneys, agents and employees of the outside counsel of record, except for agents or
 25 employees who have been retained or employed by outside counsel of record as experts or
 26 consultants) for the parties to this action, and shall only be so disclosed to the extent reasonably
 27 necessary to render professional services in this action. Unless otherwise expressly provided
 28 subsequently through stipulation or order, said outside counsel of record shall include only the

1 law firms of Mayer Brown LLP on behalf of SAUSA and Inhouse Co. on behalf of Momento;

2 3) Paragraph 2 of this stipulation and Order shall remain in effect only until such

3 time as an appropriate Protective Order is entered in the above-captioned case;

4 4) SAUSA, by and through its counsel, agrees not to oppose any motion by

5 Momento for leave to file a reply in support of Plaintiff's *Ex Parte* Application For Order For

6 Impound Or, In The Alternative, Order To Preserve Evidence, Temporary Restraining Order,

7 Order To Show Cause Re: Preliminary Injunction.

IT IS SO STIPULATED.

Dated: April 3, 2009

INHOUSE CO.

By: /s/ Ali Kamarei
Ali Kamarei, Esq.

Attorneys for Plaintiff Momento, Inc.

14 || Dated: April 3, 2009

MAYER BROWN, LLP

By: /s/ Richard M. Assmus
Richard M. Assmus

Attorneys for Defendant Seccion Amarilla,
USA

Filer's Attestation: Pursuant to General Order No. 45, Section X(B), Jason A. Wrubleski hereby attests that the signatories' concurrence in the filing of this document has been obtained.

21 | PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 || Dated: April 8, 2009

By: Saundra B. Armstrong
Hon. Saundra Brown Armstrong
United States District Judge